

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MATCONUSA LP,

Plaintiff,

v.

HOUSTON CASUALTY  
COMPANY, et al.

Defendants.

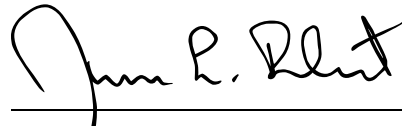
CASE NO. C19-1952JLR

ORDER

Before the court is Plaintiff MatconUSA LP's ("Matcon") motion for reconsideration of the court's July 14, 2022 order on the parties' motions for summary judgment. (MFR (Dkt. # 137); 7/14/22 Order (Dkt. # 129).) Specifically, Matcon contends that the court "committed manifest error by limiting the duty that [Defendant Marsh USA Inc. ("Marsh")] owed Matcon to the exercise of 'reasonable skill, ordinary care, diligence, and good faith *in carrying out the instructions* of Project Stewart and Westbank.'" (MFR at 1 (quoting 7/14/22 Order at 29 (emphasis in MFR)).) Pursuant to

1 Local Civil Rule 7(h)(3), the court DIRECTS Marsh to respond to Matcon's motion for  
2 reconsideration by no later than Friday, July 29, 2022. *See* Local Rules W.D. Wash.  
3 LCR 7(h)(3). Marsh's response shall be no longer than six pages in length; shall be  
4 limited to the issues discussed in Matcon's motion for reconsideration regarding the  
5 scope of the duty Marsh owed to Matcon; and shall not re-argue the position Marsh set  
6 forth in its summary judgment briefing that no duty arose until "it was clear that the  
7 repair costs for the duct-bank damages would exceed the OCIP's \$25,000 deductible"  
8 (*see, e.g.*, Marsh MSJ (Dkt. # 92) at 3). Matcon may file an optional reply of no more  
9 than three pages in length by no later than Wednesday, August 3, 2022. The Clerk is  
10 directed to re-note Matcon's motion for reconsideration on August 3, 2022.

11 Dated this 25th day of July, 2022.

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14 JAMES L. ROBART  
15 United States District Judge  
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